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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 THOMAS W. CURTIS,

7 Plaintiff,

8 v.

9 THE HUGHES CORPORATION,

10 Defendant.  
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Case No. 2:20-cv-02133-APG-DJA

**REPORT AND RECOMMENDATION**

12 This matter is before the Court on Plaintiff's Motion/Application to Proceed In Forma  
13 Pauperis (ECF No. 1) with a complaint, filed on November 19, 2020.

14 Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma  
15 pauperis and submitted a complaint along with the application. The Court finds that Plaintiff's  
16 first application is incomplete. Plaintiff only attaches a handwritten cover page rather than the  
17 Court's proper form. As a result, the Court cannot determine whether Plaintiff is eligible to  
18 proceed in forma pauperis. Moreover, Plaintiff filed another IFP application in Case No. 20-cv-  
19 2090-APG-DJA, which reflects that his income exceeds his expenses and he would not qualify  
20 for IFP status. However, given the fatal flaws in the complaint, the Court will recommend that  
21 his application be denied as moot.

22 Plaintiff's proposed Complaint is deficient as it merely labels some claims of terrorism,  
23 but fails to provide any factual allegations, identify the conduct of each defendant being  
24 challenged, or support the request for relief of 8 trillion dollars. 18 U.S.C. § 1915(d) gives the  
25 court the power to dismiss "claims whose factual contentions are clearly baseless." *Neitzke v.*  
26 *Williams*, 490 U.S. 319, 327-28 (1989). Plaintiff has failed to state any sort of cognizable claim,  
27 or even any claim at all. The Court cannot decipher any logical set of facts in his submission, or  
28 any rights that may have been violated. As such, the Court therefore concludes that this case is

1 frivolous because it lacks an arguable basis in law and fact. *See Neitzke*, 490 U.S. at 325. As  
2 Plaintiff's complaint is factually frivolous and does not set forth a plausible claim, it should be  
3 dismissed without leave to amend as it is apparent that amendment is futile.

4 Based on the foregoing and good cause appearing therefore,

5 **RECOMMENDATION**

6 For the foregoing reasons, IT IS HEREBY RECOMMENDED that this case be  
7 **DISMISSED** and that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) be  
8 **DENIED** as moot.

9 **NOTICE**

10 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be  
11 in writing and filed with the Clerk of the Court within 14 days of service of this document. The  
12 Supreme Court has held that the courts of appeal may determine that an appeal has been waived  
13 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142  
14 (1985). This circuit has also held that (1) failure to file objections within the specified time and  
15 (2) failure to properly address and brief the objectionable issues waives the right to appeal the  
16 District Court's order and/or appeal factual issues from the order of the District Court. *Martinez*  
17 *v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452,  
18 454 (9th Cir. 1983).

19 DATED: December 17, 2020



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21 DANIEL J. ALBREGTS  
22 UNITED STATES MAGISTRATE JUDGE  
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